

**MOUNTAINVIEW POWER PLANT
Application for Certification
00-AFC-2**

**APPLICANT'S
LAWS, ORDINANCES, REGULATIONS
AND STANDARDS REVIEW MATRIX**

**Submitted in Compliance
with MVPP Committee Order**

October 2000

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INTRODUCTION

This document contains Mountainview Power Company's (MVPC) assessment of the compliance of Mountainview Power Plant (MVPP) with applicable laws, ordinances, regulations and standards (LORS). This document responds to the MVPP Committee order dated September 20, 2000 requiring the applicant to complete this document.

MVPC has identified the applicable LORS for each issue area and has indicated whether the project conform or not to that LORS. Compliance is indicated by using the following methodology:

CONFORMS	Conforms with applicable laws, ordinances, regulations and standards [GREEN]
NON-CONFORMANCE	Does NOT conform with applicable laws, ordinances, regulations and standards [RED]
VARIANCE	Requires a variance, waiver or exemption from applicable law, ordinance, regulation or standard [YELLOW]
NA	Law, ordinance, regulation and standard not applicable to the project [NONE]

ENGINEERING

LAWS, ORDINANCES, REGULATIONS & STANDARDS

FACILITY DESIGN

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
	All Federal, State and Local LORS can be found in the applicants AFC	AFC 7.0	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

TRANSMISSION SYSTEM ENGINEERING

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
<i>FEDERAL</i>				
There are no applicable Federal LORS				
<i>STATE</i>				
CPUC General Order 95, Rules for Overhead Electric Line Construction.	Formulates uniform requirements for construction of overhead lines	AFC 2.4	CONFORMS	
CPUC Rule 21	Provides standards for the reliable connection of parallel generating stations connected to participating transmission owners.	AFC 2.4	CONFORMS	
Western Systems Coordinating Council (WSCC)	Provides the performance standards used in assessing reliability of the interconnected system.	AFC 2.4	CONFORMS	
North American Electric Reliability Council (NERC)	Provides policies, standards, principles and guides to assure the adequacy and security of the electric transmission system.	AFC 2.4	CONFORMS	
<i>LOCAL</i>				
There are no applicable Local LORS for this area.				

LAWS, ORDINANCES, REGULATIONS & STANDARDS

TRANSMISSION LINE SAFETY AND NUISANCE

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
<i>FEDERAL</i>				
14 CFR Part 77 – Objects Affecting the Navigation Space	Provides regulates that specify the criteria used by the FAA for determining whether a Notice of Proposed Construction or Alteration is required for potential obstruction hazards.	AFC 2.14.4	CONFORMS	
Title 47 CFR §15.25	Prohibits operation of any devices producing force fields that interfere with radio communications, even if such devices are not intentionally designed to produce radio-frequency energy.	AFC 2.14.4	CONFORMS	
<i>STATE</i>				
CPUC General Order 52	Governs the construction and operation of power and communications lines	AFC 2.14.4	CONFORMS	
CPUC General Order 95	Specifies tree-trimming criteria	AFC 2.14.4	CONFORMS	
Title 14 CCR §1250	Specifies utility-related measures for fire protection.	AFC 2.14.4	CONFORMS	

APPLICABLE LAW TLSN	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Title 8 CCR, §2700 et seq.	Establishes requirements and standards for safely installing, operating and maintaining electrical installations and equipment.	AFC 2.14.4	CONFORMS	
LOCAL				
There are no applicable Local LORS for this area.				

PUBLIC HEALTH & SAFETY

LAWS, ORDINANCES, REGULATIONS & STANDARDS

AIR QUALITY

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
<i>FEDERAL</i>				
Clean Air Act §111: 42 USC §7411; 40 CFR Part 60, subparts Db and GG	Establishes standards of performance to limit the emission of criteria pollutants for which the EPA has established national ambient air quality standards (NAAQS).	AFC 6.8.2.1	CONFORMS	
Clean Air Act §112 42 USC §7412; 40 CFR Part 63	Establishes national emission standards to limit hazardous air pollutant (HAP) emissions from existing major sources of HAP emissions in specific source categories.	AFC 6.8.2.1	CONFORMS	
Clean Air Act §160-169A 42 USC §7470-7491; 40 CFR Parts 51 & 53	Requires preconstruction review and permitting of new or modified major stationary sources of air pollution to prevent significant deterioration of ambient air quality. PSD applies only to pollutants for which ambient concentrations do not exceed the corresponding NAAQS (i.e., attainment pollutants)	AFC 6.8.2.1	CONFORMS	

APPLICABLE LAW AIR QUALITY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Clean Air Act §171-193 42 USC 501 et seq.; 40 CFR Parts 51 & 52	Requires preconstruction review and permitting of new or modified major stationary sources of air pollution to allow industrial growth without interfering with the attainment of ambient quality standards.	AFC 6.8.2.1	CONFORMS	
Clean Air Act §401 42 USC 654 et seq.; 40 CFR Part 72	Requires monitoring and reduction of emissions of acidic compounds and their precursors. The principal source of these compounds is the combustion of fossil fuels. Therefore, Title IV established national standards to limits Sox and NOx emissions from electrical power generating facilities.	AFC 6.8.2.1	CONFORMS	
Clean Air Act §501 (Title V) 42 USC §7661; 40 CFR Part 70	Requires the issuance of operating permits that identify all applicable federal performance, operating, monitoring, record-keeping and reporting requirements. Title V applies to major facilities, acid rain facilities, subject solid waste incinerator facilities, and any facility listed by EPA as requiring a Title V permit.	AFC 6.8.2.1	CONFORMS	
Clean Air Act 501 (Title V) 42 USC §7414; 40 CFR Part 64	Requires facilities to monitor the operation and maintenance of emissions control systems and report any control system malfunctions to the appropriate regulatory agency.	AFC 6.8.2.1	CONFORMS	

APPLICABLE LAW AIR QUALITY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Emergency Planning and Community Right-to-Know Act § 313 (EPCRA)	EPCRA requires certain facilities and establishments to report toxic releases to the environment if they: 1. Manufacture more than 25,000 lbs. of a listed chemical per year; 2. Process more than 25,000 lbs. of a listed chemical per year; or 3. Otherwise use more than 10,000 lbs. of a listed chemical per year.	AFC 6.8.2.1	CONFORMS	
STATE				
Health & Safety Code (H&SC) §39500 et seq.	Required by the Clean Air Act, the State Implementation Plan (SIP) must demonstrate the means by which all areas of the state will attain NAAQS within the federally mandated deadlines.	AFC 6.8.2.1	CONFORMS	
H&SC §40910-40930	The California Clean Air Act requires local Air Pollution Control District's (APCD) to attain and maintain both national and state AAQS at the earliest practicable date.	AFC 6.8.2.1	CONFORMS	

APPLICABLE LAW AIR QUALITY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
H&SC §39650-39675	The Toxic Air Contaminant Identification and Control Act creates a two-step process to identify toxic air contaminants (TAC) and control their emissions. The ARB identifies and prioritizes the pollutants to be considered for identification as Tacos. The ARB then assesses the potential for human exposure to a substance while the Office of Environmental Health Hazard Assessment evaluates the corresponding health effects.	AFC 6.8.2.1	CONFORMS	
California Public Resources Code §25523(a); 20 CCR §§1752, 1752.5, 2300-2309, and Div. 2 Chap. 5, Art.1, Appendix B, Part(k)	Establishes requirements in the Sec's decision making process on an application for certification that assures protection of environmental quality.	AFC 6.8.2.1	CONFORMS	
LOCAL				
SCAQMD Air Quality Plan; H&SC §40914	The SCAQMD plan defines the proposed strategies, including stationary source control measures and new source review rules whose implementation will attain the state AAQS.	AFC 6.8.2.1	CONFORMS	

APPLICABLE LAW AIR QUALITY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
SCAQMD Rule 201; H&SC §40000 et seq.; H&SC §40400 et seq.	Rule 201 (Permit to Construct) establishes an orderly procedure for the review of new and modified sources of air pollution through the issuance of permits. Rule 201 specifies that any facility installing nonexempt equipment that causes or controls the emission of air pollutants must first obtain a Permit to Construct from the SCAQMD.	AFC 6.8.2.1	CONFORMS	
H&SC §40000 et seq.; H&SC §40400 et seq.	SCAQMD Regulation XIII, Regulation XVIII, and Rule 2005 requirements	AFC 6.8.2.1	CONFORMS	
SCAQMD Rule 1401(New Source Review of Toxic Air Contaminants); H&SC §40000 et seq. and H&SC §40400 et seq.	Rule 1401 establishes allowable risks for new or modified sources of TAC emissions and specifies limits for maximum individual cancer risk (MICR), cancer burden, & non-carcinogenic acute and chronic hazard indices (HI) for new or modified sources of TAC.	AFC 6.8.2.1	CONFORMS	

APPLICABLE LAW AIR QUALITY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
SCAQMD Regulation XXX – Federal Operating Permit; H&SC §40000 et seq., H&SC §40400 et seq.	Regulation XXX (Title V Permits) provides for the issuance of federal operating permits that contain all federally enforceable requirements for stationary sources as mandated by Title V of the Clean Air Act. Regulation XXX requires major facilities and acid rain facilities undergoing modifications to obtain an operating permit containing the federally enforceable requirements mandated by Title V of the Clean Air Act.	AFC 6.8.2.1	CONFORMS	
SCAQMD Regulation XXXI – Acid Rain Permit; H&SC §40000 et seq., H&SC §40400 et seq.	Regulation XXXI provides for the issuance of acid raid permits in accordance with Title IV of the CAA. Regulation XXXI requires a subject facility to hold emissions allowances for SOx, and to monitor SOx, NOx and CO2 emissions and exhaust flow rates.	AFC 6.8.2.1	CONFORMS	
SCAQMD Regulation IX – Standards of Performance for New Stationary Sources; H&SC §40000 et seq., H&SC §40400 et seq.	Regulation IX incorporates, by reference, the provisions of Part 60, Chapter 1, Title 40 of the Code of Federal Regulations. It requires compliance with federal Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units and Stationary Gas Turbines.	AFC 6.8.2.1	CONFORMS	

APPLICABLE LAW AIR QUALITY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
SCAQMD Rule 401 – Visible Emissions	Establishes limits for visible emissions from stationary sources. This rule prohibits visible emissions as dark or darker than Ringlemann No. 1 for periods greater than three minutes in any hour.	AFC 6.8.2.1	CONFORMS	
Rule 402 – Nuisance	Prohibits the discharge from a facility of air pollutants that cause injury, detriment, nuisance, or annoyance to the public or that damage business or property.	AFC 6.8.2.1	CONFORMS	
Rule 403 – Fugitive Dust	Establishes requirements to reduce the amount of PM entrained in the ambient air as a result of man-made fugitive dust sources.	AFC 6.8.2.1	CONFORMS	
Rule 407 – Liquid and Gaseous Air Contaminants	Establishes limits for CO and SOx emissions from stationary sources.	AFC 6.8.2.1	CONFORMS	
Rule 409 – Combustion Contaminants	Establishes limits for particulate emissions from fuel combustion sources.	AFC 6.8.2.1	CONFORMS	
Rule 431.1 – Sulfur Content of Gaseous Fuels	Limits for the sulfur content of natural gas to 16 ppmv.	AFC 6.8.2.1	CONFORMS	
Rule 431.2 – Sulfur Content of Gaseous Fuels	Limits the sulfur content of diesel fuel to 0.05 percent by weight.	AFC 6.8.2.1	CONFORMS	

APPLICABLE LAW AIR QUALITY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Rule 474 – Fuel Burning Equipment – Oxides of Nitrogen	Establishes limits for NOx.	AFC 6.8.2.1	N/A	MVPP is also a NOx RECLAIM facility, therefore, Rule 474 is not applicable to the MVPC project.
Rule 475 – Electric Power Generating Equipment	Establishes limits for combustion contaminants from subject equipment.	AFC 6.8.2.1	CONFORMS	
Rule 476 – Steam Generating Equipment	Establishes limits for NOx and combustion contaminants from subject equipment.	AFC 6.8.2.1	N/A	NOx RECLAIM facilities are exempt from the NOx provisions of Rule 476. Therefore, Rule 476 is not applicable to MVPC.
Rule 53A – Specific Contaminants	Establishes limits for sulfur compounds and combustion contaminants from stationary sources.	AFC 6.8.2.1	CONFORMS	
Rule 1110.2 – Emissions from Stationary Internal Combustion Engines	Establishes limits for emissions of NOx, VOC and CO from the stationary internal combustion reciprocating engines.	AFC 6.8.2.1	N/A	Since the emergency generator and fire pump engines will each be limited to operating less than 200 hours per year, they are exempt from this regulation. Therefore, Rule 1110.2 is not applicable to MVPC.
Rule 1134 – Emissions of Oxides of Nitrogen from Stationary Gas Turbines	Establishes limits for emissions of NOx from the stationary gas turbines	AFC 6.8.2.1	N/A	NOx RECLAIM facilities are exempt from the provisions of Rule 1134. Therefore, Rule 1134 is not applicable to MVPC.
Rule 1135 – Emissions of Oxides of Nitrogen from Electric Power Generating Systems	Establishes limits for emissions of NOx from the electricity generating systems	AFC 6.8.2.1	N/A	NOx RECLAIM facilities are exempt from the provisions of Rule 1135. Therefore, Rule 1135 is not applicable to MVPC.

APPLICABLE LAW AIR QUALITY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Rule 1146 – Emissions of Oxides of Nitrogen from Industrial, Institutional, Commercial Boilers, Steam Generators & Process Heater	Establishes limits for emissions of NOx and CO from industrial, institutional, and commercial steam generating units.	AFC 6.8.2.1	N/A	Boilers used to generate electricity are exempt from this regulation. Therefore, Rule 1146 is not applicable to MVPC.
Rule 1404 – Hexavalent Chromium Emissions from Cooling Towers	Prohibits addition of hexavalent chromium-containing water treatment chemicals to cooling tower-circulating water.	AFC 6.8.2.1	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

PUBLIC HEALTH

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
Clean Air Act, §109 and 301(a). 42 USC §7401 et seq. and 40 CFR 50	Established air quality standards to protect the public health from exposure to air pollutants.	AFC 6.8.2.1, Air Quality	CONFORMS	
Clean Air Act §112(g), 42 USC §7412, and 40 CCR 63	Requires review of new or modified sources prior to promulgation of the standard and establishes emissions standards for HAP from specific source types including gas turbines.	AFC 6.8.2.1, Air Quality	N/A	MVPC will not be a major source of HAP and hence is not subject to these provisions at this time.
STATE				
Health and Safety Code §25249.5 et seq. (Safe Drinking Water and Toxic Enforcement Act —Proposition 65)	Requires posting of facilities that have chemicals known to cause cancer and public notification of significant risks.	AFC 6.9.3.1	CONFORMS	
Health and Safety Code §39650- 39625	Provides for a special statewide program directed by the ARB to evaluate the risks associated with emissions of chemicals designated as TAC and to develop and mandate methods to control these emissions.	AFC 6.8.2.1, Air Quality	CONFORMS	

APPLICABLE LAW PUBLIC HEALTH	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Health and Safety Code §44300 et seq. (Air Toxics “Hot Spots” Information and Assessment Act –AB2588)	Requires facilities that emit listed criteria or toxic pollutants to submit emissions inventories to the local air district. Such facilities may also be required to conduct a health risk assessment.	AFC 6.9.3.1	CONFORMS	
LOCAL				
SCAQMD Rule 402 (Health and Safety Code §41700)	Prohibits discharge of air contaminants that cause injury, detriment, nuisance or annoyance to the public, or that damage businesses or property.	AFC 6.8.3.2.6	CONFORMS	
SCAQMD Rule 1401	Establishes allowable risks for new or modified sources to TAC emissions.	AFC 6.8.2.1	CONFORMS	
SCAQMD Rule 1404	Prohibits the use of hexavalent chromium as a water treatment in cooling towers.	AFC 6.8.2.1	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

HAZARDOUS MATERIALS

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
<i>FEDERAL</i>				
Clean Air Act (40 CFR 68)	Requires a RMP if listed hazardous materials are stored above threshold quantities (TQ).	AFC 6.10.4	CONFORMS	
Clean Water Act (40 CFR 112)	Requires preparation of an SPCC plan if oil is stored above TQ.	AFC 6.10.4	CONFORMS	
SARA Title III, Section 302	Requires certain planning activities when EHSs are present in excess of TQ. Aqueous ammonia to be used onsite in excess of TQ.	AFC 6.10.4	CONFORMS	
SARA Title III, Section 311	MSDSs to be kept onsite for each hazardous material. Required to be submitted to SERC, LEPC and local fire department.	AFC 6.10.4	CONFORMS	
SARA Title III, Section 313	Requires annual reporting of releases of hazardous materials.	AFC 6.10.4	CONFORMS	
49 CFR 171-177	Governs the transportation of hazardous materials, including the marking of the transportation vehicles.	AFC 6.5.2.1 (Traffic & Transportation)	CONFORMS	

APPLICABLE LAW HAZARDOUS MATERIALS	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
STATE				
Health & Safety Code §25500, et seq. (Waters Bill)	Requires preparation of HMBP if hazardous materials are handled or stored in excess of TQ.	AFC 6.10.4	CONFORMS	
Health & Safety Code §25531, et seq.	Requires registration of facility with local authorities and preparation of RMP if hazardous materials stored or handled in excess of TQ.	AFC 6.10.4	CONFORMS	
CCR Title 8, Section 5189	Facility owners are required to implement safety management plans to ensure safe handling of hazardous materials.	AFC 6.10.4	CONFORMS	
California Building Code	Requirements regarding the storage and handling of hazardous materials.	AFC 6.10.4	CONFORMS	
California Government Code, Section 65850.2	Restricts issuance of COD until facility has submitted a RMP.	AFC 6.10.4	CONFORMS	
LOCAL				
San Bernardino County General Plan	Requires new/modified business to complete a business plan, waste minimization plan and a RMP prior to final plan/permit approval.	AFC 6.10.2.6	CONFORMS	

APPLICABLE LAW HAZARDOUS MATERIALS	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
San Bernardino County General Plan Policy HW-20	Requires a conditional use permit for business handling acutely hazardous materials in excess of TQ (55 gals., 500 lbs. or 200 cu. ft.).	AFC 6.10.2.6	CONFORMS	
City of Redlands Municipal Codes Title 15, Chapter 15.20	Incorporates the UFC Articles 79 and 80, as noted above.	AFC 6.10.3.2 and 6.10.4	CONFORMS	
Need to add further City of Redlands LORS!!!				

LAWS, ORDINANCES, REGULATIONS & STANDARDS

WORKER SAFETY AND FIRE PROTECTION

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
<i>FEDERAL</i>				
Title 29 CFR §651 et seq.	Established the Occupational Safety and Health Act of 1970 to protect the health and safety of workers	AFC 6.11.2	CONFORMS	
Title 29 CFR §1910 et seq.	Contains the minimum occupational health and safety standards for general industry in the U.S.	AFC 6.11.2	CONFORMS	
Title 29 CFR §1926 et seq.	Contains the minimum occupational health and safety standards for construction industry in the U.S.	AFC 6.11.2	CONFORMS	
Title 29 CFR §1952.170-1952-175 et seq.	Gives California full enforcement responsibility for relevant federal occupational health and safety standards.	AFC 6.11.2	CONFORMS	
Title 49 CFR §192	U.S. Department of Transportation Pipeline Safety Regulations. Adopted by the California Public Utility Commission. Governs the California utilities on design, construction, testing, maintenance, and operation of piping systems.	AFC 6.11.2	CONFORMS	

APPLICABLE LAW WORKER SAFETY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
STATE				
Title 8 CCR §5144	Requirements for respiratory protection programs for construction workers.	AFC 6.11.3.1	CONFORMS	
Title 8 CCR §1920 et seq.	Regulations for fire prevention during construction.	AFC 6.11.3.1	CONFORMS	
Title 8 CCR §450-560 et seq.	Applicable requirements of the Division of Industrial Safety, including Unfired Pressure Vessel Safety Orders, Construction Safety Orders, Electrical Safety Orders, and General Industry Safety Orders.	AFC 6.11.3.1	CONFORMS	
Title 8 CCR §1509, 1514-1522, 3203, 3220-3221, 3380-3390, 3401-3411	Outlines employer requirements for preparation of Illness and Injury Prevention Program, Emergency Action Plan, Fire Prevention Plan, and Personal Protective Equipment Program for construction and operations workers.	AFC 6.11.3.2	CONFORMS	
Health & Safety Code §25915-25919.7	Outlines requirements for Asbestos Management Plan including employee notification and handling procedures. Applies to presence of asbestos in the existing Units 1 & 2.	AFC 6.11.3.2	CONFORMS	

APPLICABLE LAW WORKER SAFETY	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Labor Code §142.3	Authorizes the Occupational and Safety Health Board to establish safety standards.		N/A	
Labor Code §6300 et seq.	Establishes the responsibilities of the Divisions of Occupational Health and Safety.		N/A	
24 CCR §501 et seq.	Building code established to provide minimum standards to safeguard human life, health, property, and public welfare by controlling design, construction, and quality of materials of building.		N/A	
California Public Utility Commission General Order No. 112-E	Additional restrictions to govern the California utilities on pipeline safety.	AFC 6.11.3.1 and 6.11.3.2	CONFORMS	
INDUSTRY STANDARDS				
Uniform Fire Code Standards	Contains provisions necessary for fire prevention and information about fire safety, special occupancy uses, special processes, and explosive, flammable, combustible and hazardous materials.	AFC 6.11.2.1	CONFORMS	

ENVIRONMENTAL

LAWS, ORDINANCES, REGULATIONS & STANDARDS

BIOLOGICAL RESOURCES

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
<i>FEDERAL</i>				
Endangered Species Act of 1973 (16 USC, Section 1531 et seq.) and implementing regulations, (CFR, Section 17.1 et seq.)	Designates and provides for protection of threatened and endangered plants and animals and their critical habitat.	Sections 6.13.1.3, 6.13.3, and 6.13.4	CONFORMS	
National Environmental Policy Act (NEPA) of 1969 (42 USC 4341 et seq.) and implementing regulations (40 CFR Parts 1500-1508)	NEPA must be addressed if an Environmental Impact Statement (EIS) would be required for a Federal action/permit that would have a significant effect on the environment.	Sections 6.13.2.2, 6.13.3.1, and 6.13.4	CONFORMS	
Section 404 of the Clean Water Act (33 USC Section 404 et seq.)	Prohibits the discharge of dredged or fill material into waters of the United States without a permit. A 404 Nationwide permit 12 is applicable for utility line placement near waters of the U.S. causing temporary discharge of material.	Sections 6.13.2.2, 6.13.3.1, and 6.13.4	CONFORMS	
Executive Order 11990, Protection of Wetlands	Requires governmental agencies take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out their responsibilities.	Sections 6.13.3 and 6.13.4	CONFORMS	

APPLICABLE LAW BIOLOGICAL RESOURCES	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
STATE				
California Endangered Species Act of 1984, (Fish and Game Code, Section 2050 et seq.)	Protect California's endangered and threatened species.	Sections 6.13.1.3, 6.13.3 and 6.13.4	CONFORMS	
Streambed Alteration Agreement (Fish and Game Code Section 1603)	Requires the Department to review any project planning to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake prior to commencement.	Sections 6.13.2.2, 6.13.3.1, and 6.13.4	CONFORMS	
LOCAL				
Policies set forth in the San Bernardino County General Plan	Encourages preservation and management of biotic resources, especially sensitive species and habitats. Puts planning constraints in sensitive habitat areas. Requires mitigation if there will be significant project effects on threatened or endangered species.	Sections 6.13.1.3 and 6.13.4	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

CULTURAL RESOURCES

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
National Historic Preservation Act 916 USC 470, et seq.)	Applicable if federal permits are required, Federal funding provided, or lands owned by Federal government. Requires consultation with lead Federal agency, SHPO, & Advisory Council on Historic Preservation.	Section 6.2.4	CONFORMS	
36 CFR 61 Appendix A	Professional qualification standards/procedures for state and local government historic preservation programs/cultural resources management.	Section 6.2.4	CONFORMS	
STATE				
California Environmental Quality Act (CEQA) Guidelines (Sections 15064.5 & 15126.4)	Construction may encounter archaeological resources.	Section 6.2.4	CONFORMS	
Health & Safety Code 7050.5	If Native Americans graves encountered, coroner calls Native American Heritage Commissioner.	Section 6.2.4	CONFORMS	

APPLICABLE LAW CULTURAL RESOURCES	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Public Resources Code Section 5097.9	If Native American graves are encountered, Native American Heritage Commissioner assigns most likely descendent.	Section 6.2.4	CONFORMS	
LOCAL				

LAWS, ORDINANCES, REGULATIONS & STANDARDS

GEOLOGICAL HAZARDS

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
	N/A	N/A	N/A	There are no Federal LORS related to geological hazards and resources.
STATE				
Uniform Building Code	Specifies acceptable design criteria for storage and open excavation with respect to seismic design and load bearing capacity.	AFC 6.17.3.1	CONFORMS	
California Building Code 1195	Specifies acceptable design criteria for storage and open excavation with respect to seismic design and load-bearing capacity.	AFC 6.17.3.1	CONFORMS	
LOCAL				
	N/A	N/A	N/A	No local LORS related to geologic hazards and resources.

LAWS, ORDINANCES, REGULATIONS & STANDARDS

PALEONTOLOGICAL RESOURCES

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
N/A			N/A	There are no applicable LORS for this section.
STATE				
California Environmental Quality Act	Defines significant impacts on a fossil site. Project construction might encounter fossil site/remains.	AFC 6.16.2.2 and 6.16.4.1	CONFORMS	
Public Resource Code Section 5097.5	Defines any unauthorized disturbance or removal of fossil site/remains on public land as a misdemeanor. Project construction might encounter fossil site/remains; construction workers might remove fossil remains.	AFC 6.16.2.2 and 6.16.4.1	CONFORMS	
Warren Alquist Act	Requires CEC to evaluate energy facility siting in unique areas of scientific concern. Project construction might encounter fossil site/remains.	AFC 6.16.2.2 and 6.16.4.1	CONFORMS	
LOCAL				
N/A			N/A	There are no applicable LORS for this section.

LAWS, ORDINANCES, REGULATIONS & STANDARDS

WATER RESOURCES

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
Clean Water Act; 33 U.S.C. §1251 et seq.	Regulates discharges of wastewater and stormwater. Applies to wastewater discharged from cooling tower basins and stormwater runoff. These discharges are subject to NPDES permits obtained through the RWQCB at the state level.	AFC 6.14.2.1	CONFORMS	
STATE				
Porter Cologne Water Quality Control Act, Water Code §13000 et seq.	Established jurisdiction of nine RWQCBs to control pollutant discharges to surface and groundwater.	AFC 6.14.2.3	CONFORMS	See Section regarding the Santa Ana RWQCB
SWRCB Water Quality Order Nos. 91-13-DWQ and 92-08-DWQ	Regulates industrial stormwater discharges during construction and operation. These discharges subject to NPDES permits obtained through the RWQCB.	AFC 6.14.2.2	CONFORMS	
Safe Drinking Water and Toxic Enforcement Act (Prop. 65)	Prohibits the discharge of any substance known to cause cancer or birth defects to sources of drinking water.	AFC 6.14.2.2	CONFORMS	

APPLICABLE LAW WATER RESOURCES	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
LOCAL				
Santa Ana RWQCB	Responsible for controlling water quality.	AFC 6.14.2.3	CONFORMS	
SAWPA Ordinance No. 3	Outlines requirements for obtaining a Direct Connection Permit to the SARI line. The MVPC will be required to obtain a Direct Connection Permit to discharge intermittent process wastewater to the SARI line. This Permit is currently pending approval.	AFC 6.14.2.5	CONFORMS	
San Bernardino Valley Water Conservation District Judgement in Case No. 78426 (Western Municipal Water District et al. v. East San Bernardino County Water District et al.)	Effective January 1, 1972, the Adjusted Right of Non-Plaintiffs (MVPC falls within this category) was determined to be 167,238 acre-feet per year. No specific allocations of groundwater in the San Bernardino Basin Area are outlined in the Judgement. MVPC will be required to pay taxes and submit and "annual notice of extraction" to the SWRCB.	Supplemental Appendix 6.14-D	CONFORMS	
San Bernardino County Municipal Code §33.0630	New water well installation requirements. Well must be installed by a county-approved contractor, well permit and fee submitted, county inspection completed.	Supplemental Appendix 6.14-D	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

WASTE MANAGEMENT

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
42 U.S.C. §§6901-6992k, RCRA Subtitle C and D	Regulates non-hazardous and hazardous wastes. Laws implemented by the State.	AFC 6.12.2.1	CONFORMS	
40 CFR 260, et seq.	Implements regulations for RCRA Subtitle C and D. Implemented by the US EPA by delegating to the State.	AFC 6.12.2.1	CONFORMS	
Federal Clean Water Act, 33 U.S.C. §1251 et seq.	Regulates wastewater discharges to surface waters of the US. NPDES program administered at the State level.	AFC 6.12.2.1	CONFORMS	
STATE				
Public Resources Code §40000 et seq. (California Integrated Waste Management Act)	Implements RCRA regulations for non-hazardous waste.	AFC 6.12.2	CONFORMS	

APPLICABLE LAW WASTE MANAGEMENT	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
Water Code §13000, et seq. (Porter-Cologne Water Quality Control Act)	Regulates wastewater discharges to surface and groundwaters of California. NPDES program implemented by State Water Resources Control Board.	AFC 6.12.2, 6.12.3.2, and 6.14 (Water Resources)	CONFORMS	
22 CCR §66262.34	Regulates accumulation periods for hazardous waste generators. Typically hazardous waste cannot be stored on-site for greater than 90 days.	AFC 6.12.4	CONFORMS	
Health & Safety Code §25100 et seq. (California Hazardous Waste Control Law)	Regulates hazardous waste handling/storing. Implemented by the San Bernardino Fire Department/City of Redlands Fire Department, Hazardous Materials Division.	AFC 6.12.2, 6.12.3.1 and 6.12.3.2	CONFORMS	
LOCAL				
There are no applicable local LORS for Waste Management.				

LOCAL IMPACTS

LAWS, ORDINANCES, REGULATIONS & STANDARDS

LAND USE

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
<i>FEDERAL</i>				
Federal Aviation Administration	Interruption of flight patterns by exhaust stacks.	AFC 6.3.2.1	CONFORMS	
<i>STATE</i>				
There are no applicable State LORS for the section of Land Use.				
<i>LOCAL</i>				
San Bernardino County General Plan	Requires the coordination of land use policies with local cities.	AFC 6.3.2.3	CONFORMS	
San Bernardino County Development Code, Alternative Review Procedure, Sections 84.0405 & 84.0410	Describe specific land uses allowed without a Conditional Use Permit.	AFC 6.3.2.3	CONFORMS	
City of Colton General Plan	No applicable policies related to land use were identified.	AFC 6.3.2.3	CONFORMS	
City of Fontana General Plan	Integrate beneficial land uses such as utility corridors	AFC 6.3.2.3	CONFORMS	

APPLICABLE LAW LAND USE	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
City of Rancho Cucamonga General Plan	Encourage land uses, which makes available energy resources to the city.	AFC 6.3.2.3	CONFORMS	
City of Redlands General Plan	Encourage new industries with minimal impacts to residential properties.	AFC 6.3.2.3	CONFORMS	
City of Redlands Municipal Code	Standards for development projects.	ACF 6.3.2.3	CONFORMS	
City of Rialto General Plan	No applicable policies related to land use were identified.	AFC 6.3.2.3	CONFORMS	
City of San Bernardino General Plan	Develop utility corridors in accordance with the General Plan's land use and zoning designations.	AFC 6.3.2.3	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

NOISE

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
EPA 1974 Noise Guidelines	Guidelines for State and Local Governments	Table 6.4-8	N/A	These guidelines were set forth as minimum requirements. State and Local governments are required to set forth equivalent regulations.
HUD Circular 1390.2	Directions for noise levels at construction site boundaries not to exceed 65 dBA for 9 hours in a 24-hour period.	Table 6.4-8	N/A	These guidelines were set forth as minimum requirements. State and Local governments are required to set forth equivalent regulations.
29 CFR Section 1910.95 (OSHA Health and Safety Act of 1970)	Exposure of workers to over an 8-hour shift should be limited to 90 dBA.	AFC 6.4.3.1.3 and 6.4.3.2.5	CONFORMS	
STATE				
California Vehicle Code §23130 and 23130.5	Regulates vehicle noise limits on California Highways.	Table 6.4-8	N/A	Why??
8 CCR §5095 et seq. (Cal-OSHA)	Sets employee noise exposure limits. Equivalent to Federal OSHA standards.	AFC 6.4.3.1.3 and 6.4.3.2.5	CONFORMS	

APPLICABLE LAW NOISE	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
LOCAL				
County of San Bernardino Development Code Section 87.0905	Nighttime noise limited to 49 dBA to 55 dBA. Temporary construction activities between 7am and 7pm are exempt.	AFC 6.4.3.1 and 6.4.4.1	CONFORMS	
City of San Bernardino Noise Ordinance, Chapter 8.54, Section 8.54.020	Mayor and Common Council approval needed for construction activities between 10pm and 7 am.	AFC 6.4.3.1 and 6.4.4.1	CONFORMS	
City of Redlands General Plan Section 9.0	Residential exterior noise levels not to exceed 60 dBA. Interior noise levels not to exceed 45 dBA.	AFC 6.4.3.1 and 6.4.4.1	CONFORMS	
City of Colton Noise Element	Exterior noise levels not to exceed 65 dBA during the day or 55 dBA at night.	AFC 6.4.3.1.2	CONFORMS	
City of Rancho Cucamonga Development Code, Section 17.02.120-D-1 and E-4	Exterior noise levels not to exceed 65dBA. Construction-related activities exempt between 8 pm and 6:30 am Monday through Saturday.	AFC 6.4.3.1.2	CONFORMS	
City of Rialto Noise Element (Chapter XI)	Residential exterior noise levels not to exceed 65 dBA. Interior noise levels not to exceed 45 dBA.	AFC 6.4.3.1.2	CONFORMS	

APPLICABLE LAW NOISE	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
City of Fontana Noise Element Section 13.0	Residential exterior noise levels not to exceed 65 dBA. Interior noise levels not to exceed 45 dBA.	AFC 6.4.3.1.2	CONFORMS	
Fontana City Code Section 18- 63 (14)	Noisy construction –related equipment operation limited (pile drivers, pneumatic hammers) to between 10pm and 7 am.	AFC 6.4.3.1.2	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

SOCIOECONOMICS

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
N/A	There are no applicable Federal LORS for the area of Socioeconomics.	N/A	N/A	
STATE				
California Government Code 65995-65997	Includes provisions for levies against development projects in school districts. The Redlands Unified School District will implement school impact fees based on new building square footage.	AFC 6.7.2.5	CONFORMS	
LOCAL				
City of Redlands Development Fee Policy 1A.10	All development projects are required to pay development fees to cover infrastructure costs.	AFC 6.7.2.3	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

TRAFFIC & TRANSPORTATION

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
<i>FEDERAL</i>				
49 CFR §171-177	Governs the transportation of hazardous materials, including the marking of the transportation vehicles.	AFC 6.5.2.1	CONFORMS	
14 CFR §77.13(2)(i)	Requires applicant to notify FAA of any construction greater than an imaginary surface as defined by the FAA.	AFC 6.5.2.1 and 6.5.3.2.2	CONFORMS	
14 CFR 77.17	Requires applicant to submit Form 7460-1 to the FAA. MVPC has received approval.	AFC 6.5.2.1 and 6.5.3.1.2	CONFORMS	
14 CFR §§77.21, 77.23 & 77.25	Regulations which outline the obstruction standards which the FAA uses to determine whether an air navigation conflict exists.	AFC 6.5.2.1 and 6.5.3.2.2	CONFORMS	

APPLICABLE LAW TRAFFIC & TRANSPORTATION	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
STATE				
California State Planning Law, Government Code §65302	Requires each city and county to adopt a General Plan consisting of seven mandatory elements to guide its physical development, including a circulation element.	AFC 6.5.2	CONFORMS	
CA Vehicle Code §35780	Requires approval for a permit to transport oversized or excessive load over state highways.	AFC 6.5.2.2	CONFORMS	
CA Vehicle Code §31303	Requires transporters of hazardous materials to use the shortest route possible.	AFC 6.5.2.2	CONFORMS	
CA Vehicle Code §32105	Transporters of inhalation hazardous materials or explosive materials must obtain a Hazardous Materials Transportation License.	AFC 6.5.2.2	CONFORMS	
California Department of Transportation Traffic Manual, Section 5-1.1	Requires Traffic Control Plans to ensure continuity of traffic during roadway construction.	AFC 6.5.4	CONFORMS	
Streets and Highways Code, Division 2, Chapter 5.5, Sections 1460-1470	Requires Encroachment Permits for excavations in city streets.	AFC 6.5.4	CONFORMS	

APPLICABLE LAW TRAFFIC & TRANSPORTATION	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
LOCAL				
City of San Bernardino	Requires a Street/Utility Improvement Plan and Traffic Control Plan for construction in city streets. Limits construction to January 2 through the third week in November.	AFC 6.5.4	CONFORMS	
City of Rancho Cucamonga City Ordinances 12-03 and 12-03.140	Requires a Construction Permit and Traffic Control Plan for excavations in city streets.	AFC 6.5.4	CONFORMS	
City of Redlands City Ordinances 10-2, 10-54 and 12-16	Requires Encroachment Permit and Traffic Control Plan for excavation in city streets. Also, requires a Truck Route Permit for oversized loads.	AFC 6.5.4	CONFORMS	
City of Redlands General Plan Policy No. 5.20a	Maintain LOS C or better as the standard at all intersections currently at LOS C or better. Applies to increased traffic to power plant site during construction.	AFC 6.5.4	CONFORMS	
City of Redlands General Plan Policy No. 5.20c	No development project shall be approved where the current LOS is below the LOS standard of C that cannot be mitigated.	AFC 6.5.3.1.2	CONFORMS	

APPLICABLE LAW TRAFFIC & TRANSPORTATION	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
City of Rialto Municipal Code 11.04	Requires a Construction Permit and Traffic Control Plan for excavation in city streets.	AFC 6.5.4	CONFORMS	
City of Fontana City Ordinance 17-61	Requires an Excavation Permit and a Traffic Control Plan for excavation in city streets.	AFC 6.5.4	CONFORMS	
County of San Bernardino Ordinance 8-15	Requires an excavation Permit for excavations in city streets and an Oversized Vehicle Permit for transporting oversized loads.	AFC 6.5.4	CONFORMS	
County of San Bernardino General Plan Policy No.TC-06a	County standard LOS C should be maintained on highways and intersections affected by development. Applies to increased traffic from construction at the power plant site.	AFC 6.5.3.1.2	CONFORMS	

LAWS, ORDINANCES, REGULATIONS & STANDARDS

VISUAL

APPLICABLE LAW	DESCRIPTION	REFERENCE	CONFORMANCE	EXPLANATION
FEDERAL				
NA				There are no applicable Federal LORS for the section of visual.
STATE				
NA				There are no applicable State LORS for the section of visual.
LOCAL				
San Bernardino County General Plan Policy OR-50	Identifies any portion of the regional trail system as a potential scenic resource. The proposed SART is located adjacent to the north of the power plant site. As a result, the SART will be in the County's scenic overlay district.	Section 6.6.3.4	CONFORMS	
San Bernardino County General Plan Policy OR-51	Development along a scenic corridor required to demonstrate, through visual analysis, that proposed improvements are compatible with the scenic qualities present.	Section 6.6.3.4	CONFORMS	
San Bernardino County Development Code Section 85.030610	Establishes criteria to evaluate compliance of new projects within the scenic overlay district. Includes criteria for building and structure placement, landscaping, and grading.	Sections 6.6.2.2 and 6.6.4	CONFORMS	